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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 DAVID KENNETH HANSEN,
15 Defendant.

16 Case No.: 2:20-cr-021 TLN

17 STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

18 Date: July 16, 2020
19 Time: 9:30 a.m.
20 Court: Hon. Troy L. Nunley

21

22 Plaintiff United States of America by and through Assistant United States Attorney James
23 Conolly, and Attorney Todd Leras on behalf of Defendant David Hansen, stipulate as follows:

24 1. This matter is presently set for a status conference on July 16, 2020. By this
25 stipulation, Defendant Hansen moves to continue the status conference to August 27,
26 2020.

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1 2. This case involves drug trafficking and firearm charges stemming from execution of
2 search warrants in Sacramento and Placer Counties. Defendant appeared for
3 arraignment on the charges contained in the Indictment on January 24, 2020. The
4 parties set an initial status conference for March 19, 2020. They later requested a
5 continuance of the initial status conference by stipulation to May 14, 2020. During
6 the intervening approximate two-month period national events related to the spread of
7 COVID-19 occurred.

8 3. Federal and state authorities issued increasingly restrictive directives to slow the
9 spread of the virus. These restrictions hampered the ability to conduct defense
10 investigation as to potential defenses in this matter. Defendant Hansen therefore
11 requests to continue this matter to August 27, 2020.

12 4. Defendant Hansen is being held in pre-trial detention at the Sacramento County Main
13 Jail. On March 18, 2020, Chief United States District Judge Kimberly J. Mueller
14 issued General Order 612, restricting access to the federal courthouses within the
15 Eastern District of California until May 1, 2020. On April 17, 2020, the Court issued
16 General Order 617 to extend the courthouse restrictions until June 1, 2020. General
17 Order 618, issued on May 13, 2020, extended the courthouse restrictions indefinitely
18 until further notice.

19 5. On March 19, 2020, California Governor Gavin Newsom issued Executive Order N-
20 33-20 ordering all California residents to shelter in place unless their services are
21 needed to perform work in critical infrastructure functions.

22 6. Defense counsel, heeding the Governor's order, suspended in-person visits to the

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1 Sacramento County Jail between March 19 and May 26, 2020. A gradual easing of
2 restrictions occurred after the Memorial Day holiday, but a recent spike in COVID-19
3 cases in Sacramento County prompted additional restrictions to be imposed in early
4 July 2020.

5 7. The government has provided defense counsel with initial discovery consisting of
6 written offense reports and audio recordings. Defense counsel is reviewing these
7 materials with Mr. Hansen via confidential telephone calls and occasional in-person
8 visits at times when social visits are not conducted at the Sacramento County Jail.
9

10 The defense therefore requests additional time to perform its discovery review and
11 investigation.

12 8. Given the ongoing defense investigation, Defendant Hansen requests to continue the
13 status conference in this matter to August 27, 2020, at 9:30 a.m., and to exclude time
14 between July 16, 2020 and August 27, 2020, inclusive, under Local Code T-4. The
15 United States does not oppose this request.

16 9. Attorney Todd Leras represents and believes that failure to grant additional time as
17 requested would deny Defendant Hansen the reasonable time necessary for effective
18 preparation, considering the exercise of due diligence.

19 10. Based on the above-stated facts, Defendant Hansen requests that the Court find that
20 the ends of justice served by continuing the case as requested outweigh the best
21 interest of the public and the Defendant in a trial within the time prescribed by the
22 Speedy Trial Act.

23 11. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*

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seq., within which trial must commence, the time period of July 16, 2020 to August 27, 2020, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court at Defendant Hansen’s request on the basis that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial.

12. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Assistant U.S. Attorney James Conolly has reviewed this proposed order and authorized Todd Leras via email to sign it on his behalf.

DATED: July 13, 2020

MCGREGOR W. SCOTT
United States Attorney

By /s/ Todd D. Leras for
JAMES CONOLLY
Assistant United States Attorney

DATED: July 13, 2020

By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
DAVID HANSEN

**ORDER CONTINUING STATUS
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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is
hereby ordered that the status conference in this matter, scheduled for July 16, 2020, is vacated.

A new status conference is scheduled for August 27, 2020, at 9:30 a.m. The Court further finds,
based on the representations of the parties and Defendant Hansen's request, that the ends of
justice served by granting the continuance outweigh the best interests of the public and the
Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. §
3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into
consideration the exercise of due diligence for the period from July 16, 2020, up to and including
August 27, 2020.

IT IS SO ORDERED.

DATED: July 14, 2020


Troy L. Nunley
United States District Judge

Troy L. Nunley
United States District Judge

**ORDER CONTINUING STATUS
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